

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

DARRELL TRISTAN ANDERSON,)	
)	
Plaintiff,)	
)	
v.)	1:19CV1195
)	
SGT. N. KEEGAN, et al.,)	
)	
Defendants.)	

ORDER

An Order and Recommendation of the United States Magistrate Judge was filed with the Court in accordance with 28 U.S.C. § 636(b) and, on May 13, 2020, was served on the parties in this action. (ECF Nos. 3, 4.) The Order and Recommendation included a requirement that Plaintiff either make an initial partial payment or a filing under penalty of perjury showing that he lacked such funds, as well as a stay pending compliance. (See ECF No. 3.) Plaintiff filed objections to the Magistrate Judge's Order and Recommendation. (See ECF No. 6.) After appropriate review of the Magistrate Judge's Order and Recommendation and thereafter making a *de novo* determination in accord with the Magistrate Judge's Order and Recommendation, the Court adopted the Magistrate Judge's Order and Recommendation. (See ECF No. 7.)

On May 28, 2020, Plaintiff filed a Motion for Relief from Stay. (See ECF No. 5.) The following day, the Magistrate Judge issued a text order, denying that motion "because (A) Plaintiff did not sign it, much less under penalty of perjury, as required by Order [see ECF No. 3] and (B) Plaintiff's other arguments against the requirement of a partial payment or periodic payments [we]re frivolous." (Text Order dated May 29, 2020.) That Text Order "extended

until 06/19/2020 the deadline for Plaintiff either to make the required partial payment or to submit a proper motion for relief from stay signed under penalty of perjury stating that Plaintiff has had no access to funds sufficient to pay the required partial payment since 05/13/2020” (id.), and further cautioned Plaintiff that “[f]ailure by Plaintiff to comply with that extended deadline w[ould] result in dismissal of this action” (id.).

Plaintiff subsequently filed additional objections, (ECF No. 8), in which he “object[ed] to such an Order and to such a notion, i.e. that he is entitled to pay ‘any’ filing fee ‘at all’” (id. at 2). Plaintiff also filed a “Motion to Object and Response to Docket Text/Text Order, (ECF No. 11), asserting that “Plaintiff did, in fact, sign[] the Motion [for Relief] contrary to the ‘false claims’ within the [] Docket Text-Text Order (id. at 3 (emphasis omitted)), as well as that “he is not obligated to purchase, pay for, or buy [j]ustice and/or [r]emedy where the [l]aw is concerned” (id. at 5 (quotation marks omitted)).¹ The Court has appropriately reviewed the Magistrate Judge’s Order and Recommendation (again), as well as the Text Order dated May 29, 2020, and has made a *de novo* determination in accord with the Magistrate Judge’s Order and Recommendation and the Text Order dated May 29, 2020.

IT IS THEREFORE ORDERED that the Magistrate Judge’s Order and Recommendation, (ECF No. 3), and the Text Order dated May 29, 2020, are AFFIRMED and ADOPTED.

This, the 30th day of June 2020.

/s/ Loretta C. Biggs
United States District Judge

¹ Plaintiff also filed a proper motion for relief from stay (ECF No. 9) and the stay has been lifted (see ECF No. 12).